

REMARKS

Claims 12-22 are currently pending in this application. Of these, claims 12 and 18 are independent and the remaining claims depend from one of these parent claims. In the subject Office action, claims 12-22 are objected to for alleged lack of clarity with respect to the phrases “cut register” and “setpoint value associated with the cut register.” Further, claim 16 is rejected under 35 U.S.C. §112 for alleged lack of clarity with respect to the phrase “a setpoint value for controlling a lead of the second pulling unit.” Finally, claims 12-22 stand rejected under 35 U.S.C. §102 for alleged anticipation in view of U.S. Pat. no. 5,568,767 to Jackson (hereinafter “Jackson”).

The Claim Objections

As noted above, claims 12-22 are objected to for lack of clarity with respect to the phrases “cut register” and “setpoint value associated with the cut register.” The claims have been amended herein to clarify the use of these phrases. In particular, claims 12, 13, 18, and 21 have been amended to clarify the phrases “cut register” and “setpoint value associated with the cut register.”

Thus, it is respectfully submitted that the noted lack of clarity has been corrected and the claims are no longer objectionable.

The Claim Rejections under §112

As noted above, claim 16 is rejected under 35 U.S.C. §112 for lack of clarity with respect to the phrase “a setpoint value for controlling a lead of the second pulling unit.” In particular, it is stated that it is not clear whether the recited setpoint value is a new value or is the same as that previously recited. Claim 16 has been amended to clarify that the recited setpoint value is a second setpoint value.

Thus, it is respectfully submitted that the noted indefiniteness under §112 has been corrected and that claim 16 is no longer indefinite.

The Claim Rejections under §102

As noted above, claims 12-22 stand rejected under 35 U.S.C. §102 as anticipated by Jackson. It is respectfully noted that in order for a reference to anticipate a claim, the reference must teach each limitation of the claim in question. In the present case, it is noted that the substantial architectural differences between Jackson and the present invention are manifested in the failure of Jackson to teach numerous express claim limitations.

Because the independent claims are patentable over Jackson, it is respectfully noted that the dependent claims are by definition also patentable over Jackson. Accordingly, these remarks will focus primarily on claims 12 and 18. Claim 12 is reproduced below for the reader's convenient reference.

12. A method for controlling a cut register of a web-fed rotary press, the cut register representing placement of cuts on a web, the method comprising:
- guiding a web leaving a last printing unit of the rotary press to a cross-cutting device via pulling units with adjustable leads; and
 - changing a circumferential speed of at least one of the pulling units to adjust the cut register.

As expressed in the claim and as recognized by the Office action (e.g., p. 3), this claim requires a plurality of pulling units with adjustable leads. Jackson does not teach this limitation, and hence cannot anticipate this claim.

The Office action cites rollers 6 and 7 of Jackson as teaching a plurality of pulling units. See action at p. 3. With respect to the phrase "pulling units," it is clear from the claim that these units must be capable of pulling the web. However, at least roller 7 of Jackson fails to meet this criterion. Jackson describes the roller 7 and its interaction with roller 6 as follows: "A cutting cylinder 6 of the folder F cuts the web W to create individual signatures S, which pass through delivery rolls 7 into a fan or fans 8 in a known manner." See Jackson at col. 3, lines 45-50.

Thus, it is apparent that the roller 7 is not a pulling unit that influences the web, but rather is a delivery roll for stacking cut sheets. In other words, the roller 7 is transferring cut sheets, i.e., sheets no longer attached to the web. As such, roller 7 does not act as a pulling unit as recited in the claim.

Moreover, it is apparent that since claim 12 expressly recites that the pulling units *guide* the web *to* the cross-cutting device, the pulling units in the claimed invention are

disposed after the printing unit and before the cross-cutting device. The pulling units of claim 12 are not the cross-cutting device itself (as is Jackson's roller 6), and they are not disposed *after* the cross-cutting device (as is Jackson's roller 7). For this additional reason, Jackson fails to anticipate the claim.

Turning to independent claim 18, this claim is reproduced below for the reader's convenient reference.

18. An apparatus for controlling a cut register of a web-fed rotary press having a web guided from a last printing unit to a cross cutting device via a plurality of pulling units, the cut register representing the placement of cuts on the web, the method comprising:

a controller connected to a motor of at least one of the pulling units; and

a first cut-register sensor disposed to detect a first actual value of the cut register on the web and feed the detected first actual value to the controller,

wherein the controller controls the motor to adjust a speed of said at least one pulling unit based on the first actual value of the cut register.

As expressed in the claim and as acknowledged in the Office action (p. 4), and similar to claim 12, this claim requires a plurality of pulling units.

As noted above, Jackson fails to teach a plurality of pulling units. Moreover, even if one or both of rollers 6 and 7 in Jackson were to have actually been pulling units, they nonetheless do not guide the web from the printing unit to the cross cutting device – roll 6 *is* the cross cutting device, and roll 7 is disposed *after* the cross cutting device.

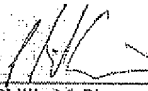
Conclusion

Jackson fails to teach each and every element of independent claims 12 and 18, and thus also fails to teach the limitations of any dependent claim. Thus, it is respectfully submitted that Jackson does not present a prima facie case of anticipation. Moreover, the remaining references of record have not been applied to the claims, and it is not clear in what way if any these references would remedy the shortcomings of Jackson while also teaching the remaining limitations of the claims.

In re Appln. of Brandenburg et al.
Attorney Docket no. 234700
Application Serial no. 10/529,271

The application is considered in good and proper form for allowance, and the Examiner is respectfully requested to pass this application to issue. If, in the opinion of the Examiner, a telephone conference would expedite the prosecution of the subject application, the Examiner is invited to call the undersigned attorney.

Respectfully submitted,



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